

5. REGULATORY COMPLIANCE

During the NEPA process, DOE contacts the USFWS to obtain the latest information on threatened and endangered species or designated critical habitats that could occur in the vicinity of the proposed action. If DOE determines that any threatened and endangered species or critical habitat could be adversely impacted by the proposed action, informal or formal consultation with the USFWS is initiated under Section 7 of the Endangered Species Act (16 U.S.C. 1531 et seq.). Threatened and endangered species at PORTS are discussed in Sections 3.6 and 4.6.

DOE is also required under Section 106 of the NHPA to consult with the SHPO regarding the presence of archaeological and historic sites and the potential for adverse impacts at a proposed project site. Consultation with the Ohio SHPO is discussed in Section 4.7.1. Also, under the Farmland Protection Policy Act, DOE consults with the Natural Resource Conservation Service regarding the presence and future use of prime farmland soils at a proposed site. The proposed project will be conducted on land that has previously been converted from farmland to industrial during the construction of the gaseous diffusion plant in the early 1950's; therefore, the potential corrective measures being considered under the proposed action will result in no conversion of prime farmlands. As a result, the National Resource Conservation Service was not contacted concerning the proposed action.

DOE activities at PORTS are required to operate in accordance with environmental regulations established by federal and state laws, executive orders, DOE Orders, and compliance agreements. Most DOE-PORTS cleanup activities are conducted under a Consent Decree with the State of Ohio and an ACO with the Ohio EPA and U.S. EPA. While environmental restoration activities are implemented in accordance with the RCRA Corrective Action Program, the Administrative Consent Order cites CERCLA as a governing authority in addition to RCRA. CERCLA establishes many requirements for transfer of federally owned property, including property that has been contaminated or property that can be identified as uncontaminated.

Relevant DOE Orders pertain to the proposed action include DOE Order 430.1A, *Life Cycle Asset Management*; DOE Order 5400.1, *General Environmental Protection Program*; and DOE Order 5400.5, *Radiation Protection of the Public and the Environment*. Regulations implementing the CAA, CWA, NRC rules, RCRA, Safe Drinking Water Act, TSCA, Emergency Planning and Community-Right-to-Know Act, and others may apply.

The following agencies and persons listed in Table 5.1 were contacted for information and data used in the preparation of this EA (copies of correspondence are provided in Appendix A):

Table 5.1. List of Agencies and Persons Contacted

Name	Affiliation	Location	Topic
Pat Jones	Ohio Department of Natural Resources	Columbus, Ohio	Threatened and Endangered Species
Kent Kroonemeyer	U.S. Fish and Wildlife Service	Reynoldsburg, Ohio	Endangered Species Act, Section 7 Informal Consultation
David Snyder	Ohio Historic Preservation Office	Columbus, Ohio	National Historic Preservation Act, Section 106 Compliance

